

EXHIBIT 117

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 -----)
5 IN RE: NATIONAL) MDL No. 2804
6 PRESCRIPTION OPIATE)
7 LITIGATION) Case No.
8 -----) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES TO) Hon. Dan A. Polster
11 ALL CASES)
12 -----)

13 HIGHLY CONFIDENTIAL
14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

15 VIDEOTAPED DEPOSITION OF
16 WAYNE EUGENE BANCROFT
17 January 10, 2019

18 Chicago, Illinois

19
20
21
22
23 GOLKOW LITIGATION SERVICES
24 877.370.3377 ph | 917.591.5672 fax
 deps@golkow.com

1 of courses that you were required to take. So, I
2 would say I was not specialized at that point.

3 Q. When you finished your -- when you
4 finished your Ph.D., had you focused or specialized
5 in any area?

6 A. Forecasting and inventory.

7 Q. Forecasting and inventory. Okay.

8 So, your career, starting with Lucent,
9 going to Motorola, your -- has all been
10 forecasting, inventory, modeling, kind of
11 math-based work experience, correct?

12 A. Not totally.

13 Q. And when you say "not totally," what
14 other kind of work have you specialized in?

15 A. Well, at Motorola I did some strategic
16 planning and operational plan for -- help plan for
17 operations.

18 Q. Would you agree with me that a
19 significant part of your work experience after your
20 graduate work at -- did you say it was Illinois
21 Institute of Technology?

22 A. Illinois Institute of Technology, IIT.

23 Q. Okay. Oh, I see. It's -- all right.

24 Would you agree with me that after your

1 eight or so years of graduate work at Illinois
2 Institute of Technology in management sciences and
3 operations research that the bulk of your work
4 experience has been building upon your academic
5 background?

6 A. I would say so.

7 Q. And as a matter of fact, on your resume
8 on the second page, your -- one of the titles of
9 the grouping of Motorola and the issues below were
10 all forecasting and inventory consultants, correct?

11 A. Yes.

12 Q. And, now, you began at Walgreens in '04
13 and within a few years you had been asked to serve
14 on this -- on this team with suspicious order
15 monitoring policies, correct?

16 A. That's correct.

17 MS. SWIFT: Object to the form.

18 THE WITNESS: Sorry.

19 BY MR. MOUGEY:

20 Q. So, did you -- when you started as part
21 of this team, did you and the team start from
22 scratch or was there any work product that had
23 already been developed when you started?

24 MS. SWIFT: Object to the form, foundation.

1 BY THE WITNESS:

2 A. We gave it a clean slate and took it
3 from scratch.

4 BY MR. MOUGEY:

5 Q. All right. So, when you say you gave it
6 a clean slate, was there a body of work that you
7 started with as part of the team to develop a
8 suspicious order monitoring algorithm or was there
9 already some work done?

10 MS. SWIFT: Object to the form.

11 BY THE WITNESS:

12 A. Could you repeat the question.

13 BY MR. MOUGEY:

14 Q. Yes, sir. When I asked you if -- what
15 would you call it? Would you call it a team, this
16 group of people? Would you call it a committee?
17 What would you refer to it as?

18 A. Initially I'd refer to it as a
19 committee.

20 Q. A committee. All right. So, did
21 that -- you said "initially." Did that change over
22 some period of time?

23 A. Well, we started to put together a
24 solution and we worked as a team then.

1 Q. Okay. So, it started as a committee and
2 then worked and developed into a team?

3 A. Yes.

4 Q. Because you continued to work on this
5 committee, which ultimately became a team, to
6 develop and implement the suspicious order
7 monitoring policy for several years after it was
8 brought to your attention in 2008, correct?

9 MS. SWIFT: Object to the form, compound.

10 BY THE WITNESS:

11 A. There was two phases. So, the first
12 phase was -- it was in 2008; and then we had a
13 second phase where we enhanced the model, and that
14 was around 2012.

15 BY MR. MOUGEY:

16 Q. So, there was the initial phase in '08
17 and then a second phase in around 2012?

18 A. Yes.

19 Q. Okay. So, let's start with the 2008.
20 Okay?

21 A. Okay.

22 Q. Beginning of 2008, somewhere in 2008,
23 your boss brought to your attention, you think, we
24 need to develop an algorithm for suspicious order

1 monitoring, correct?

2 MS. SWIFT: Object to the form.

3 BY THE WITNESS:

4 A. I was asked to attend the meeting and at
5 the meeting that was where it was brought to my
6 attention.

7 BY MR. MOUGEY:

8 Q. All right. And do you recall where the
9 meeting was?

10 A. It was in Deerfield.

11 Q. Deerfield. And did the committee
12 continue to meet after the initial meeting?

13 A. Yes.

14 Q. And do you have a recollection of how
15 often the committee met?

16 A. No.

17 Q. Would it meet once a quarter? Were you
18 all meeting weekly? Were you meeting once a day?

19 A. I don't recall.

20 Q. You don't recall at all?

21 A. No.

22 Q. You don't recall if you met once and
23 never met again or you don't --

24 A. No, I recall meeting more than once.

1 Q. More than once. Do you recall meeting
2 two or three times or how did -- how did the --

3 A. I'm sure we met several times.

4 Q. All right. So, did everyone on this
5 committee have a different area of expertise and
6 did you all -- or were you assigned specific tasks
7 within the committee?

8 A. Everybody had their -- brought their own
9 talents, yes, they had different talents.

10 Q. So, what do you -- do you have an
11 understanding of what Ms. Tracy Morris' talents
12 were on that, on the committee?

13 A. She worked in the same capacity I did.

14 Q. All right. And if you had just a
15 couple-of-word description about you and
16 Ms. Morris' area, would you call it a statistical
17 modeling? What would you call your area?

18 A. I never thought about giving it. I
19 never had a name that I --

20 Q. I want to use something you're
21 comfortable with today.

22 Were you the -- were you the -- you and
23 Tracy the modeling folks?

24 A. Yes.

1 Q. Okay. So, you and Ms. Morris were kind
2 of in charge of putting together the model,
3 correct?

4 A. I don't know if we were in charge. We
5 certainly took lead.

6 Q. All right. You took lead in --

7 A. Yes.

8 Q. -- in developing the model.

9 But you needed input from other folks
10 within Walgreens to develop the model, correct?

11 A. Yes.

12 Q. So, for example, Ms. Martin, what would
13 you -- what would you explain her area of --

14 A. She's a pharmacist, so she's familiar
15 with the store ordering process. She's familiar
16 with how things, operations are in the stores.

17 Q. All right. And how about Joan who you
18 couldn't --

19 A. Same. She was a pharmacist.

20 Q. Same. Pharmacist.

21 A. Yeah.

22 Q. And was familiar with, you said SOR,
23 S-O-R, suspicious order reporting, correct?

24 A. She was familiar with dispensing in the

1 stores. She is familiar with store operations.

2 Q. Okay. Did you not use the word "SOR" --

3 MR. MOUGEY: Kate, I'd appreciate it if I
4 don't have shaking of the head yes or no from you.
5 I'm asking the witness. Okay?

6 MS. SWIFT: Peter, I'm sorry. I did not
7 intend to shake my head at you. Ignore me.

8 MR. MOUGEY: You are and that's been a
9 continuing issue for --

10 MS. SWIFT: Just ignore me.

11 MR. MOUGEY: I appreciate it, but you're
12 leaning up in front of the witness shaking your
13 head yes and no, which has been a continued issue
14 for months on end. If you could please refrain --

15 MS. SWIFT: For the record I'm not at all in
16 front of the witness, which I'm sure is clear from
17 the video. But for the transcript I am not in
18 front of the witness.

19 MR. MOUGEY: You're in the witness' line of
20 sight. I've asked repeatedly that you stop shaking
21 your head yes and no during testimony when the
22 witness can see you in the peripheral vision. So,
23 I'd appreciate that.

24 BY MR. MOUGEY:

1 Q. Mr. Bancroft, did you -- and I might
2 have misunderstood. I thought you said "SOR,"
3 which to me would be suspicious order reporting.
4 Did you say "store"?

5 A. Store.

6 Q. Okay. Thank you.

7 A. Yes. I'm sorry. It's part of --

8 Q. No.

9 A. Yeah.

10 Q. And I'm also -- we are just making sure.

11 A. I am glad you clarified that. Thank
12 you.

13 Q. So, we were talking about Barb Martin
14 and I wrote down SOR. But let me go back and clean
15 that up.

16 So, Ms. Martin is a pharmacist?

17 A. Yes.

18 Q. And she brought together to the
19 committee store operations?

20 A. Operational, yes.

21 Q. Gotcha. And Joanne, sounds like the
22 same thing, she was a pharmacist and brought store
23 operations kind of expertise to the committee,
24 right?

1 A. Yes. They are also, they both worked
2 for Rx purchasing.

3 Q. And Rx purchasing. Okay.

4 So, now, loss prevention, what was their
5 area of expertise or what skill set did they bring
6 to the table?

7 MS. SWIFT: Object to the form, foundation.

8 BY THE WITNESS:

9 A. I wasn't as familiar with them as much,
10 but they brought the skill set they brought, they
11 looked for theft. Loss prevention.

12 BY MR. MOUGEY:

13 Q. Thefts and loss prevention. Okay.

14 Now, safe to assume you ultimately came
15 up with a product or a model to -- that was used at
16 Walgreens, correct?

17 MS. SWIFT: Objection; form.

18 BY THE WITNESS:

19 A. Did we come up with a way of monitoring?

20 BY MR. MOUGEY:

21 Q. Yes, sir.

22 A. Yes, we did.

23 Q. All right. Now, was there some code or
24 computer language written that was deployed at

1 Walgreens?

2 MS. SWIFT: Object to the form.

3 BY THE WITNESS:

4 A. Yes.

5 BY MR. MOUGEY:

6 Q. And were there any people in this
7 committee that had more programming backgrounds?

8 A. I don't remember.

9 Q. Do you have a computer -- do you have a
10 programming background?

11 A. I could -- I'm a good hack.

12 Q. Okay. But you wouldn't -- for a company
13 the size of Walgreens, your area of expertise
14 wasn't writing code to implement the model,
15 correct?

16 A. I use code to help develop the model and
17 test data, but I do not write any code that gets --
18 none of the code I write is implemented on
19 Walgreens' systems. It gets written by a
20 professional.

21 Q. So, let's go back to kind of where I
22 started, which is when this committee was formed in
23 '08, did you start from a base of work that was
24 already developed at Walgreens?

1 MS. SWIFT: Object to the form.

2 BY THE WITNESS:

3 A. No.

4 BY MR. MOUGEY:

5 Q. Did you ask what was currently being
6 used at Walgreens?

7 MS. SWIFT: Object to the form.

8 BY THE WITNESS:

9 A. I don't recall.

10 BY MR. MOUGEY:

11 Q. Do you recall that there was any system
12 in place at Walgreens prior to the 2008 committee
13 meeting?

14 MS. SWIFT: Object to the form, foundation.

15 BY THE WITNESS:

16 A. I remember there was some general
17 discussions of what was -- what was done, but I
18 don't remember details.

19 BY MR. MOUGEY:

20 Q. Why don't you give me the general
21 discussions about what was done?

22 A. What loss prevention, what involvement
23 they had, but we -- we went with a -- we started
24 from scratch. So, I don't remember any details.